



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

March 6, 2008

Doug Monn
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Mr. Monn:

COMMENTS – NPDES SMALL MS4 GENERAL PERMIT ANNUAL REPORT; CITY OF EL PASO DE ROBLES, WDID# 3 40MS03019

The Central Coast Regional Water Quality Control Board (Water Board) received the City of El Paso de Robles' (City) annual report on September 19, 2007. Water Board staff reviewed the City's annual report and appreciates the efforts that the City has made to comply with the General Permit. The purpose of this annual report review is to determine the City's compliance with the Municipal General Permit, including Stormwater Management Program (SWMP) implementation.

As part of the review process, Water Board staff met with Katie DiSimone of your staff on January 31, 2008, to discuss issues associated with the annual report and revisions to the SWMP. Several issues (e.g., draft ordinance, post-construction BMPs, municipal operations fact sheets, street sweeping, and certification page) were resolved at the meeting, and in your follow-up letter dated February 15, 2008. The additional information makes the annual report as complete as possible. However, additional information must be submitted in next year's annual report to fully determine compliance with the General Permit.

You submitted a revised SWMP with the annual report. Staff has unresolved questions about the revised SWMP that must be addressed within the next 60-days.

We have the following comments regarding the City's annual report submittal, the City's proposed SWMP revisions, and remaining term reporting schedule.



Annual Report

In addition to the information submitted in your 2007 annual report and February 15, 2008 letter, the City must address the following deficiencies in reporting in the City's next annual report due in September 2008.

1. BMP PE-1: The City must collect information regarding the amount of material collected by the Adopt-A-Street program participants. Tracking the volume or weight of material removed from the streets is valuable information that can help the City evaluate the effectiveness of this and other BMPs in the SWMP.
2. BMP PE-4: The annual report indicates that the City established a stormwater hotline and that the phone number is on the City's website. Water Board staff could not find the hotline number on the website. The City should provide a straightforward way to access stormwater information and should list the hotline number prominently on the City's stormwater website.
3. BMP PC-3: The effectiveness measurement listed in the SWMP is the number of people that review the example projects. The City must include information about the number of people that reviewed the innovative projects, how they learned of the projects, if the information was helpful, and if people changed their planned project as a result. The annual report contains no information about the effectiveness measurement including the number of people who review the innovative project files. The City must track information and include the information in future annual reports.

SWMP Revision

By **May 6, 2008**, the City must submit the following information so that Water Board staff can evaluate the appropriateness of the proposed SWMP revisions.

1. BMPs CS-2, CS-3: The City proposes removing language under the measurable goals for BMPs CS-2 and CS-3, without explanation. The City must report the information included in the measurable goals for BMPs CS-2 and CS-3 or provide justification for removing the measurable goals.
2. BMP GH-3: The proposed measurable goal for BMP GH-3 indicates the City will conduct two facility inspections and evaluate two maintenance activities. The City must explain whether these are annual commitments to inspect two City-owned facilities per year, and to evaluate two maintenance activities per year or a commitment to inspect all City facilities twice per year and evaluate all City maintenance activities twice per year. The proposed revisions are not clear whether the inspections are annual occurrences or one time inspections.
3. BMP GH-4: The last line of the measurable goal was changed to a vague standard indicating the city will utilize the fact sheets as guidance. It is not clear



what the City is actually committing to with the measurable goal. Without explanation the City removed the measurable goal of assessing the percentage of City facilities that are implementing treatment BMPs annually. The City must clarify the proposed revision and must explain the City's commitment to implementing source control and treatment BMPs at all City facilities.

4. BMPs GH-6 through GH-13: The city does not include measurable goals for these proposed BMPs. After conversations with Katie DiSimone, staff concluded that without measurable goals staff cannot assess the effectiveness of these seven BMPs. The General Permit requires the permittee to develop Measurable Goals and Effectiveness Assessments for each BMP. If Measurable Goals cannot be developed for these BMPs, staff recommends incorporating the seven as measurable goals in other Pollution Prevention/Good Housekeeping BMPs. For example, the City could evaluate changing mow height, using liquid fertilizer, and adding mulch to eroded slopes as part of Section 9 BMPs GH-1 Facilities Maintenance, under the landscape maintenance technical specifications. Similarly, the other proposed BMPs can be added to this and existing Pollution Prevention/Good Housekeeping BMPs.

Reporting Cycle

The City's annual report cycle for year one actually covered an 18-month period. The "first year's" report time frame was adjusted to match the nominal July 1 to June 30 reporting period. At the end of the City's first five year term, this reporting frequency would leave the last annual report to cover only an approximate six month period. By **May 6, 2008**, please propose a plan to adjust the City's annual report frequency to complete the annual reporting to coincide with the end of the first five year permit term.

Required Actions

1. The City must include the information concerning the above items one through three in the City's next annual report due in **September 2008**.
2. The City must address all comments and questions regarding the proposed SWMP revisions for BMPs CS-2, CS-3, GH-3, GH-4, and GH-6 through GH-12. The City must resubmit the revised SWMP with the requested information by **May 6, 2008**.
3. The City must propose an effective and efficient reporting schedule to cover the remaining permit term by **May 6, 2008**.

Please address our questions and comments, and submit amendments to the revised SWMP no later than **May 6, 2008**. All submitted materials must be provided in hard copy and electronic format (MS Word). This information is required pursuant to California Water Code Section 13383 to determine compliance with permit requirements. Evidence that supports requesting this information includes the revised SWMP, and the City's annual report submitted on September 19, 2007. Failure to address our questions/comments and submit a revised SWMP by the date prescribed



above may result in formal enforcement action pursuant to California Water Code Section 13385.

Any person affected by this action of the Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with California Water Code Section 13320, and Title 23, California code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, within 30 days of the date of this letter. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have questions regarding this matter, please contact **David Innis at (805) 549-3150** or dbinnis@waterboards.ca.gov.

Sincerely,

Roger W. Briggs
Executive Officer

cc:

Patti Gwathmey
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

C. Kirk Gonzalez
Boyle Engineering
1194 Pacific St., Suite 204
San Luis Obispo, CA 93401

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